

REMARKS

REJECTIONS UNDER 35 U.S.C. § 112

Claims 7-8, 15-16, 25 and 26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 7-8, 15-16, and 25-26 to recite “the delay slot” instead of “the delay branch.” Thus, claims 7-8, 15-16 and 25-26, as amended, have proper antecedent basis. Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-26

Claims 1-26 were rejected under 35 U.S.C. § 102(b) as being unpatentable over “SEHWA: A Program for Synthesis of Pipeline: Nohbyung park and Alice Parker, IEEE, 1986 (*Sehwa*). Applicant submits claims 1-26 are not anticipated by *Sehwa* for at least the reasons set forth below.

Claim 1 recites, in part, re-ordering the sequence of instructions by executing a backward scheduling method and re-ordering the sequence of instructions by executing a forward scheduling method. Claims 9 and 17 recite similar limitations. *Sehwa* is cited as disclosing re-ordering the sequence of instructions by executing a backward scheduling method. *Sehwa* is not cited as disclosing re-ordering the sequence of instruction by executing a *forward* scheduling method. Applicant has not claimed a backward scheduling method or a forward scheduling method, but rather, Applicant has claimed executing both a forward and a backward scheduling method.

Applicant is reluctant to do the Examiner's job, but does desire to move prosecution of this case forward. Thus, Applicant notes (even though the Office action does not) that *Sehwa* does discuss both forward and backward scheduling. However, Applicant wishes to make a very important distinction – one that cannot be reasonably or fairly overlooked. With respect to scheduling, *Sehwa* states: “There are two different approaches to each scheduling algorithm, depending on which type (direction) of urgency measure is used.” See p. 457, section 3.2, second paragraph. *Sehwa* goes on to distinguish the approaches – one approach is forward scheduling and the other approach is backward scheduling. According to *Sehwa*, only one approach can be used per scheduling algorithm. Per *Sehwa*, either the algorithm uses the forward scheduling approach or it uses the backward scheduling approach, but not both.

As mentioned previously, the choice of forward scheduling or backward scheduling in *Sehwa* is based on an urgency measure for operations. With respect to urgency, forward scheduling and backward scheduling produce conflicting results, thus there is absolutely no motivation for applying both forward and backward scheduling in the same algorithm. Modifying the algorithms in this way would destroy the purpose and benefit of *Sehwa* algorithms. Thus, one of skill in the art would not consider modifying *Sehwa* to perform both forward and backward scheduling.

Given that *Sehwa* fails to disclose at least one limitation of claims 1, 9 and 17, along with arguments above, Applicant submits claims 1, 9 and 17 are not anticipated by *Sehwa*.

Claims 2-8 depend from claim 1. Claims 10-16 depend from claim 9. Claims 18-26 depend from claim 17. Given that dependent claims necessarily include the

limitations of the claims from which they depend, Applicant respectfully submits claims 2-8, 10-16 and 18-26 are not anticipated for at least the same reasons claims 1, 9 and 17 are not anticipated.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 1-26 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: January 25, 2008

/Jared S. Engstrom/
Jared S. Engstrom, Reg. No. 58,330
Attorney for Applicant

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(503) 439-8778

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: January 25, 2008

/Katherine Jennings/
Katherine Jennings